



GOVERNOR'S OFFICE *of* PROGRAMS *and* PLANNING

**JUVENILE JUSTICE REFORM ACT IMPLEMENTATION COMMISSION**

June 29, 2021

Via Videoconference

**Members in Attendance:**

Gina Womack

Tracie Woods

Justice Piper Griffin

Representative Royce Duplessis

Richard Pittman

**Call to Order:**

The meeting came to order at 2:03 p.m.

**Raise the Age Presentations & Discussions**

***New York Youth Justice Agency- Dana Kaplan***

Dana Kaplan from NYC's Mayor's office of criminal justice presented on how the city implemented the raise the age legislation. In 2014, there were close to three hundred 16 to 17 year olds in detention centers and at Rikers Island. However, by April 2021 there were only 120 kids across these facilities.

- NYC has 4 million children under age 18 and 226,000 16 & 17 year olds
- The vast majority of cases of 16- and 17-year-olds will be heard in family court, either originating there or being transferred there from the new youth part of the adult criminal court.
- Youth whose cases are heard in family court will be processed according to existing juvenile delinquency laws.
  - o Nonviolent felonies: youth part will transfer the case to family court unless the DA makes a motion to keep the case in criminal court due to "extraordinary circumstances."
  - o Violent felonies: if the district attorney provides evidence of the accused displaying a deadly weapon, causing physical injury, or engaging in unlawful sexual conduct, removal to family court is only possible with the district attorney's consent

The following investments were made for population reduction/culture change

- Expanded supervised release for 16 and 17 year olds (no charge restrictions, smaller caseloads)
- Expanded alternatives to incarceration (i.e. family therapy)
- Intensive mentoring programs through probation
- Additional non-profit providers in facilities, including credible messenger/violence prevention specialists and reentry supports.

**\*\*\* Dana Kaplan's presentation can be found [here](#)\*\*\***

***The Sentencing Project- Marcy Mistrett***

Marcy Mistrett is a senior fellow with the Sentencing Project, which recently released a report entitled, [Brining More Teens Home: Raising the Age Without Expanding Secure Confinement](#). Currently, eleven states have raised the age, effectively returning 100,000 youth per year back to juvenile court.

- Retaining staff is an issue across the country and is a challenge for OJJ directors. This leads to more security response vs. rehabilitation responses out of necessity not values.
- **Louisiana**
  - o One new facility is set to open since *Raise the Age* legislation passed
  - o Current youth facilities are not operating at capacity
  - o In the past 10-15 years, reliance on carceral responses to children has reduced
  - o It is estimated that fewer than 70 children per year will end in secure commitment in Louisiana
    - **Policy Recommendations**
      - Treat children like children
      - Build out a continuum of care with an emphasis on community-based services
      - Establish guardrails that reduce which children can be sent to detention and other secure facilities
      - Be deliberate about ending racial and ethnic disparities
      - Invest in pre-trial diversion
      - Build out community based mentoring or credible messaging programs
      - Look at risk assessment tools- when secure commitment is necessary vs. when it should not be used even if the child has high needs
      - Deliberately use a racial justice lens to ensure young Black, Latino, and tribal young people are not being pushed deeper in the system than their White counterparts
      - Have smaller facilities so there isn't an obligation to fill those beds- North Carolina doesn't have any juvenile facility that has more than 24 beds.
      - Establish smaller and more therapeutic family-like settings
      - Train staff extensively- Utah allowed staff to go back into the community to work with the same families they worked with while they were in the care of the state. Workers comp has gone down, sick leave has gone down, as well as recidivism rates even though moderate-risk kids were sent home with wrap around services.

### **Parent Testimony**

Ms. Porter shared the story of her son who was in the custody of OJJ for almost six years. Ms. Porter shared that several systems failed him prior to being in OJJ's custody and that she wished the system was more rehabilitative for children who are sentenced to juvenile life. On three separate occasions OJJ recommended and advocated to the judge that her son was rehabilitated. However, he was never released. His eventual release was due to him receiving an adult charge. He is currently 20-years-old and free, but it is her belief that he is ill-prepared in basic life skills like obtaining a license or being able to grocery shop.

### **Bridge City Center for Youth Tour Debrief**

Members discussed their experiences of touring Bridge City. Members also discussed the need to treat children holistically, including education, life skills and rehabilitation.

### **Accountability Discussion**

Rep. Duplessis discussed the legislation that created the commission in addition to the roles and duties of its members. He also elevated the need for the council to recommend specific administrative or legislative policy proposals.

Ms. Womack advocated for all systems impacted by the [2003 Juvenile reform legislation](#) be present, so that everyone can understand everything that happens on the back end when preventive measures on the front end aren't taken. Additionally, she stressed the importance of having youth planning boards to identify areas of improvement and actions that can be taken prior to a child being taken into OJJ's custody.

Mr. Pittman highlighted [Article 898](#) that added mandatory post-dispositional hearings in certain cases. The purpose of this section was to ensure that courts who sent children into OJJ's custody don't just forget about them. The legislation allowed for those children's cases and sentencing to be reviewed periodically. For some, they have to have mandatory modification hearings to determine if the child will have to stay in OJJ's care. This will allow for an opportunity to determine if kids in the past were given long sentences, but can now be released. In his opinion, there are some courts that aren't doing this process effectively and the JJRAIC can determine if the courts are utilizing those hearings effectively to find children who can be released from custody or into probation.

- Rep. Duplessis will get with Justice Griffin as well as engage juvenile judges across the state about this matter. Additionally, a subcommittee may be formed to take a deeper dive into this matter.

Secretary Sommers echoed sentiments from other members on the need for rehabilitative services for children and advocated for additional preventative measures so children don't end up in the state's system. He would like to establish a more holistic approach that emphasizes diversion and restorative justice programs. Additionally, there was discussion between members and OJJ on the history leading up to new facility being built.

**Policy suggestions from Non-Members:**

- Having OJJ's attorneys strongly advocate for children to be released if they are not receiving rehabilitative services while in secure care. This would reduce the number of youth in custody thus, reducing the number of staff needed.
- Encourage city court judges to utilize their ability to limit the number of youth in secure care.
- Including juvenile lifers and those directly impacted by the system as part of the commission
- Holding focus groups with those directly impacted to hear what they believe needs to be changed.
- Ensuring that the juvenile system is not more punitive than the adult system.
- Recognizing the goal is not punishment, but rather rehabilitation
- Considering sending youth to facilities that are not at capacity instead of building a new facility.
- Having OJJ partner with local jurisdictions similar to other efforts in other states.

**Closing Remarks**

The meeting was adjourned at 3:57 p.m.

**Relative links:**

- A live recording of the meeting can be found [here](#)